

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

THOMAS H. GOSS,

Plaintiff,

v.

COUNTY OF FRESNO,

Defendant.

No. 1:24-cv-00698-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DENY
DEFENDANT'S MOTIONS TO DISMISS

Docs. 11, 19

Plaintiff Thomas H. Goss is a civil detainee proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. This action proceeds on plaintiff's complaint against defendant County of Fresno for violation of the Fourteenth Amendment. Doc. 6. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 23, 2025, the County of Fresno filed a motion to dismiss, arguing that the statute of limitations for plaintiff's claims had run and that equitable tolling does not apply because plaintiff did not provide timely notice of his claims within the statutory period. Doc. 11. Plaintiff filed an opposition to the motion and the County of Fresno filed a reply. Docs. 13, 15.

On July 8, 2025, the assigned magistrate judge issued findings and recommendations recommending that the County of Fresno's motion to dismiss be denied. Doc. 19. Specifically, the magistrate judge found that it appeared undisputed based on the current record that plaintiff

1 was continuously confined during the relevant period and was pursuing his claim in good faith
2 such that he could take advantage of tolling as set forth in *Jones v. Blanas*, 393 F.3d 918, 930 (9th
3 Cir. 2004). *Id.* at 8–9. The magistrate judge also determined that the factual issues involved in
4 the “notice” element of equitable tolling could not be determined in this case at the motion to
5 dismiss stage. *Id.* at 9. The findings and recommendation were served on the parties and
6 contained notice that any objections thereto were to be filed within fourteen (14) days after
7 service. *Id.* at 10. No objections were filed, and the deadline to do so has expired.

8 In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of
9 this case. Having carefully reviewed the file, the Court finds the findings and recommendations
10 to be supported by the record and by proper analysis.

11 Accordingly:

- 12 1. The findings and recommendation issued on July 8, 2025, Doc. 19, are adopted in
13 full;
 - 14 2. The County of Fresno’s motion to dismiss, Doc. 11, is denied; and
 - 15 3. This action is referred back to the magistrate judge for further proceedings.
- 16
17

18 IT IS SO ORDERED.

19 Dated: September 13, 2025


UNITED STATES DISTRICT JUDGE